

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY  
LOG #1071960

## SUMMARY OF INCIDENT

On October 10, 2014 at approximately 11:15 PM, the complainant, Subject 1, was arrested near XXXX E. 78<sup>th</sup> St. and transported to the Chicago Police Department (CPD) 4<sup>th</sup> District station. While at the 4<sup>th</sup> District, Subject 1 asked to speak to a supervisor because a transporting officer transporting reportedly repeatedly struck Subject 1 in the groin with a CPD radio and called Subject 1 a “pussy” and a “fucking liar.” Subject 1 was then transported to Hospital 1 after. A CPD Evidence Technician named Officer A was sent to photograph Subject 1’s injuries, but reportedly refused to photograph Subject 1’s “dick.” A second CPD evidence technician later sent photographed Subject 1’s groin.

## ALLEGATIONS

The complainant, Subject 1, was identified through an Initiation Report from the Chicago Police Department regarding an incident that occurred on October 10, 2014. Subject 1 was subsequently contacted by Independent Police Review Authority (IPRA) personnel for an interview.<sup>1</sup> (Att. 4)

It is alleged that on October 10, 2014 at approximately 11:15 PM, during Subject 1’s transportation from the location of his arrest to the 4<sup>th</sup> District, accused **Officer B**, while on duty:

1. Struck Subject 1 in the groin repeatedly with a police radio in violation of Rule 2, Rule 6 in relation to General Order G03-02, Rule 8, and Rule 9.
2. Called Subject 1 a “pussy,” in violation of Rule 2, Rule 8, and Rule 9.
3. Called Subject 1 a “fucking liar,” in violation of Rule 2, Rule 8, and Rule 9.
4. Told Subject 1, “I don’t believe your lying fucking ass,” in violation of Rule 2, Rule 8, and Rule 9.

It is alleged that on October 11, 2014, between approximately 1:22 AM and 2:11 AM, at South Shore Hospital located at 8012 S. Crandon Ave., **Officer A**, while on duty:

1. Refused to photograph Subject 1’s genitals after Subject 1 informed the officer that he had been injured in that area, in violation of Rule 2, Rule 5, and Rule 8.
2. Told Subject 1, “I’m not taking a picture of your dick,” in violation of Rule 2, Rule 8, and Rule 9.

## APPLICABLE RULES AND LAWS

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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

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**Rule 2:** prohibits, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.”

**Rule 5:** Prohibits, “Failure to perform any duty.”

**Rule 6:** prohibits, “Disobedience of an order or directive, whether written or oral.”

**Rule 8:** prohibits, “Disrespect to or maltreatment of any person, while on or off duty.”

**Rule 9:** prohibits, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.”

**Chicago Police Department Directive, General Order G03-02, Use of Force Guidelines:**<sup>2</sup>

## INVESTIGATION

### Department Reports and Records

An Arrest Report was located from Subject 1's October 10, 2014 arrest with RD #HXXXXXXX. According to this document, Subject 1 was charged with reckless conduct after fleeing from police in a vehicle operated by Subject 1's acquaintance, Civilian 1. Both Civilian 1 and Subject 1 were shortly thereafter observed by officers attempting to enter a residence at XXXX E. 78<sup>th</sup> St. One officer saw Civilian 1 throwing a handgun while Subject 1 attempted to distract officers by “screaming and flailing his arms.” Both men were arrested and transported to the 4<sup>th</sup> District. This report also states that Subject 1 had “obvious pain or injury” and was taken to Hospital 1 for “injury to testicales [sic].” Subject 1 was returned to District 4 Lockup on October 11, 2014. A similar arrest report was located for Civilian 1 with a charge of aggravated unlawful use of a weapon and issuance of a warrant. Detective Supplementary Reports were located for RD #HXXXXXXX with no additional pertinent information, aside from both men being listed as admitted members of the Gangster Disciples. (Atts. 7, 9, 11, 58, 59)

Sergeant A authored an Initiation Report where he stated he met Subject 1 in the district lockup and Subject 1 stated that he was repeatedly struck in the penis by a department radio during transport. Sergeant A further related that he sent Subject 1 to Hospital 1 and radioed for an ET to photograph Subject 1. (Att. 4)

CPD Event Query Reports were located pertaining to Subject 1's arrest on October 10, 2014. Available details related that a vehicle was identified moving north on Jeffery Boulevard at a high rate of speed. A weapon was recovered at approximately 11:13 PM. At approximately 11:29 PM, Beat XXXX (Officers C and D) reported they had one individual in custody and were going to the 4<sup>th</sup> District. At roughly 11:37 PM Beat XXXX (Officers E and B) also reported they were transporting one individual to the 4<sup>th</sup> District. At approximately 11:43 PM, Beat XXXX ran a name check on Civilian 1. (Atts. 16, 19, 20, 21)

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<sup>2</sup> The Use of Force policy referenced in this report was effective from October 2002 until October 2017.

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A Crime Scene Processing Report was obtained regarding photos taken of Subject 1 by Officer A on October 11, 2014 at Hospital 1. Reportedly, the officers from Beat XXXX (believed to be Sergeant A) requested the photos. Officer A took photos of Subject 1's "frontal, right, & left profile." Officer A took five photos of Subject 1, all of which were of Subject 1's face. (Atts. 23, 24)

A second Crime Scene Processing Report was identified for a second set of photos taken of Subject 1 by Officer F on October 12, 2014. These photos include images of Subject 1's genitals. There are no obvious, visible injuries seen in these photos. (Atts. 25, 26)

No in-car camera footage was available from the vehicles manned by Beat XXXX (Officers G and H), Beat XXXX (Officers E and B), or Beat XXXX (Officers C and D). (Att. 22)

### **Medical Records**

Subject 1's medical records were obtained from the emergency room at Hospital 1. Subject 1 reportedly arrived at the emergency room on October 11, 2014 at approximately 1:31 AM. Documents state that the reason for Subject 1's visit was "battery – hit to the groin area with walkie-talkie." His complaint was "groin pain" followed by numbness. Subject 1 was discharged into CPD custody on October 11, 2014 at approximately 5:28 AM. Subject 1 was given home self-care directions upon his discharge and instructed to take ibuprofen. (Att. 27)

### **Interview with Subject 1**

Subject 1 related that on October 10, 2014, he was arrested at roughly 11:30 PM near XXXX S. South Shore and transported to the 4<sup>th</sup> District CPD station at 103<sup>rd</sup> and Luella. Subject 1 stated he was with Civilian 1 and both men were arrested.<sup>3</sup> Subject 1 stated that he and Civilian 1 were separated and placed into two different CPD vehicles. At some point during his transportation, Subject 1 alleged that the transporting officer in the front passenger seat struck Subject 1, "several times in my genital area with his walkie talkie." Subject 1 clarified the walkie talkie was the officer's CPD radio. Subject 1 stated that he was in the backseat of the vehicle behind the driver when this occurred. Subject 1 stated that the offending officer leaned his seat back to reach Subject 1 with the "bottom end" of the radio. Subject 1 further alleged that this officer attempted to make Subject 1 confess to a shooting incident that had occurred that evening near 99<sup>th</sup> and Yates. Subject 1 stated that when he denied involvement, this officer "lifted his seat back and struck me several times in my genital area with the bottom of his radio." The officer turned using his right hand across his body to strike Subject 1's genitals while Subject 1 was handcuffed behind his back. The officer struck Subject 1 between six to 10 times. Subject 1 responded by asking the officer to stop until the driving officer grabbed the passenger officer by the passenger's vest and the passenger officer ceased striking Subject 1. After that, the passenger officer returned his seat to a sitting position. Then, the passenger officer told Subject 1 that Subject 1 is a "fucking liar" and the officer did not believe Subject 1's "lying ass." Subject 1 stated that when he complained about the pain from being struck, the passenger officer called him a "pussy."

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<sup>3</sup> Subject 1 denied that he saw Civilian 1 with a gun at the time of Subject 1 and Civilian 1's arrest.

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Once the vehicle arrived at the police station, Subject 1 and Civilian 1 were brought to a room where a sergeant arrived. Subject 1 reported he asked for a “white shirt” and told a sergeant about the incident. Subject 1 was then transported to Hospital 1 by different officers. Hospital staff examined Subject 1 and Subject 1 was discharged after no blood was found in his urine. Subject 1 also stated he was given a pain reliever and the doctor noted bruising and swelling on Subject 1’s groin. Subject 1 related that at the time of his IPRA interview on October 12, 2014, he still felt pain, especially when urinating. Subject 1 related that the photos taken of him in the hospital were “incomplete” because the photos were only of Subject 1’s face and not his genitals. The officer who took the photos (identified as Officer A) reportedly asked Subject 1 where his injuries were. When Subject 1 told the officer it was his genitals, Officer A reportedly responded by stating, “I’m not taking pictures of your dick” and only taking photos of Subject 1’s face. IPRA responded by having CPD send a second Evidence Technician to Subject 1’s residence on October 12, 2014 to take photos of Subject 1’s groin area. (Atts. 29, 30, 33, 49)

On April 27, 2015, Subject 1 was contacted via telephone. Subject 1 related that he was alone in the CPD vehicle with two officers when he was driven to the 4<sup>th</sup> District. Subject 1 stated that both officers were males in civilian dress who appeared to be Hispanic or Middle-Eastern. Subject 1 described the officer who struck him as taller and heavier than the officer who was driving.<sup>4</sup> (Att. 42)

**Accused Interview, Officer B**

Officer B stated that on October 10, 2014, he was working Beat XXXX and partnered with Officer E. Officer B believed that he and his partner were in civilian dress. Officer B stated that they were operating an unmarked Crown Victoria CPD vehicle. Officer B stated that he assisted officers in the arrest of Subject 1 and Civilian 1 but he did not actually arrest either individual. Officer B stated that he and his partner arrived on scene after both men were in police custody. Officer B did not recall transporting either arrestee to the police station. After reviewing relevant OEMC Event Queries from October 10, 2014, Officer B acknowledged that it was reported his beat (Beat XXXX) brought one arrestee to the 4<sup>th</sup> District. However, Officer B did not recall transporting Subject 1 or Civilian 1. Officer B denied repeatedly striking Subject 1 in the groin with a police radio. The officer also denied calling Subject 1 a “pussy” or a “fucking liar.” Officer B further denied that he told Subject 1 he did not believe Subject 1’s “lying fucking ass.” (Att. 56)

**Witness Interview, Officer E**

Officer E related that on October 10, 2014, he responded to a call of officer’s following a vehicle. After reviewing Subject 1’s arrest report from this date, Officer E stated he was involved in Subject 1’s arrest. The officer related that on this date, he was working as a member of Beat XXXX and partnered with Officer B. Officer E could not recall if they were in uniform or

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<sup>4</sup> Subject 1’s arrest report stated that he was transported by Beat XXXX. This beat was staffed by Officers D and C, both of whom are white males. However, OEMC records stated that Beat XXXX transported one offender (believed to Civilian 1) and Beat XXXX transported the other offender (believed to be Subject 1). Beat XXXX was staffed by Officers B and E during the time in question.

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civilian dress. After reviewing Civilian 1's arrest report from October 10, 2014, Officer E, stated he and his partner were an assisting unit who responded to the scene of Subject 1 and Civilian 1's arrest. Officer E did not recall what his role was in either individual's arrest, or if he and his partner transported either man to the 4<sup>th</sup> District. After reviewing relevant OEMC records, Officer E acknowledged that the document stated he and Officer B transported one individual to the 4<sup>th</sup> District. However, Officer E did not recall doing so. The only thing Officer E recalled was responding to the scene and that when he arrived, the arrestees were already in police custody. (Att. 51)

**Witness Interview, Officer D**

According to Officer D, on October 11, 2014, he was working an overtime initiative in the 4<sup>th</sup> District with his partner, Officer C. Officer D stated he was in uniform and he believed he was in a marked police vehicle. After reviewing Department reports, Officer D "vaguely recalled" Subject 1 and Civilian 1. Officer D reported that he was involved in the arrest of these men after responding to a flash message from other officers related to shots fired and a pursuit. Officer D did not know Officers E and B. Officer D stated that he transported one of the arrestees, but did not independently recall which one. Officer D acknowledged that both Subject 1's and Civilian 1's arrest report stated Officer D and his partner were the transporting officers. However, Officer D related he only transported one individual to the 4<sup>th</sup> District. After viewing CPD Event Queries (Att. 16), the officer believed that, to the best of his knowledge, he and his partner transported Civilian 1. Officer D related he did not interact with Subject 1 or Civilian 1 after they were transported to the 4<sup>th</sup> District. (Att. 64)

**Witness Interview, Officer C**

Per Officer C, on October 11, 2014, he was working overtime with his partner, Officer D. Officer C related that he was in a marked vehicle and he believed he was in-uniform. Officer C recalled Subject 1 and Civilian 1 and stated that he was involved in their arrest on October 11, 2014. According to Officer C, he did not physically arrest either man. Officer C did not know Officers E and B. Officer C stated that he and his partner transported one of the arrestees, but did not independently recall which one. After reviewing the arrest reports for Subject 1 and Civilian 1, Officer C stated that it was incorrect that he and Officer C transported both arrestees. After reviewing CPD Event Queries (Att. 16), the officer believed he transported Civilian 1. Officer C stated he had no involvement with either arrestee after taking Civilian 1 to the police station. (Att. 68)

**Accused Interview, Officer A**

Officer A stated that on October 11, 2014, he believed he was working over-time on Beat XXXX as an Evidence Technician (ET). Officer A related that he was at Hospital 1 for a request from Beat XXXX via OEMC to photograph an arrestee (identified as Subject 1). Officer A could not recall the content of any conversation he had with Subject 1. Officer A did not remember if he asked Subject 1 what the officer was there to photograph. Officer A, did not recall Subject 1 telling the officer that his groin was injured. Officer A related that he took photos of Subject 1's front, left, and right profile. Officer A reported that as an ET, he would take a photo of an

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individual's genitals if required. Officer A stated that the only reason he would not do so was if the individual was a female and there was not a female third-party present. Officer A denied that he refused to photograph Subject 1's genitals. The officer also denied that he told Subject 1 he would not photograph Subject 1's "dick." (Atts. 39, 40)

**Witness Interview, Sergeant A**

Sergeant A stated that on October 10, 2014, he was on-duty working Beat XXXX as a Gang Enforcement Sergeant. Sergeant A did not specifically recall Subject 1 or Civilian 1 and stated he was not present during their arrests. According to the sergeant, officers from the Violence Reduction Initiation (VRI) were involved in the arrest of both men and he believed VRI officers transported one of or both arrestees. Sergeant A stated that arrestees are usually transported in a "cage car" or a wagon but sometimes they will be transported in an unmarked car if the individual is cooperative. Sergeant A related that he believed he interacted with Subject 1 at the police station after reviewing Department reports, but had no independent recollection of interacting with Subject 1. Therefore, the sergeant did not remember Subject 1 telling the sergeant he was injured. Sergeant A related that an outside unit (VRI) worked on this arrest so it is possible that the sergeant did not know all of the involved officers. Sergeant A agreed that Department reports indicated it was he who requested that an evidence technician (ET) take photographs of Subject 1, but the sergeant did not independently recall doing so. According to Sergeant A, he does not know if he went to the hospital with Subject 1 or was at the hospital when the ET arrived. Similarly, the sergeant was uncertain if he spoke to the ET or told the ET what to photograph. Sergeant A did not know who Officers E and B are. (Att. 66)

**Witness Interview, Officer I**

Officer I stated that on October 11, 2014, he was working Beat XXXX (also reported as Beat XXXX). Officer I related that he was guarding an arrestee at Hospital (identified as Subject 1). However, Officer I did not specifically recall Subject 1 or why Subject 1 was taken to the hospital. Officer I related that an ET (identified as Officer A) came to the hospital but Officer I did not recall what Officer A did on this occasion. Officer I did not recall a conversation between the ET and Subject 1. (Att. 50)

**News Article**

On January 1, 2012, the *The News Gazette* published an article naming Subject 1 as a co-defendant in an aggravated robbery that occurred in Urbana, IL in January 2011. The article states, "Subject 1 [...] pleaded guilty [...] to obstructing justice, admitting that he lied to an Urbana police detective investigating the robbery about having been out in his car that morning. Subject 1 reportedly drove [...] to the robbery, according to the charge to which he pleaded guilty." (Att. 62)

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Supervisor 1

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Investigator 1

## ANALYSIS AND CONCLUSION

### Officer

COPA recommends a finding that **allegation #1**, that **Officer B** struck Subject 1 in the groin repeatedly with a police radio, be **Unfounded**.

COPA recommends a finding that **allegation #2**, that **Officer B** called Subject 1 a “pussy,” be **Unfounded**.

It is unrealistic that Officer B would have repeatedly hit Subject 1 in the genitals with his police radio. According to Subject 1, the doctor noted bruising and swelling on Subject 1’s groin. However, medical records make no note of Subject 1 having bruising and swelling. The severity of Subject 1’s alleged injuries was simply not supported by his medical records. Furthermore, the photos taken of Subject 1’s genitals by CPD depict no obviously visible injuries, despite Subject 1 claiming he had bruises. The physical logistics of Officer B hitting Subject 1 with his police radio while sitting in a vehicle also seems unlikely. Accordingly, it is not believed that Officer B called Subject 1 a “pussy” for experiencing pain after being struck, since it is not believed the officer struck Subject 1. Additionally, press was located which detailed Subject 1 had previously lied to law enforcement to protect himself from criminal charges. Similarly, Subject 1 denied seeing a gun on Civilian 1, despite the fact that a gun was found. Both of these details diminish Subject 1’s credibility. Therefore, COPA finds this allegation to be Unfounded.

COPA recommends a finding that **allegation #3**, that **Officer B** called Subject 1 a “fucking liar,” be **Not Sustained**.

COPA recommends a finding that **allegation #4**, that **Officer B** told Subject 1 “I don’t believe your lying fucking ass,” be **Not Sustained**

For allegations 3 – 4 against Officer B, there is not enough evidence to make a conclusive finding. Neither Officer B nor Officer E recalled transporting Subject 1 and these allegations are the complainant’s word against Officer B’s word. While Subject 1 is not credible for the reasons detailed above, there is simply not enough information to make a conclusive determination. Thus, allegations 3 – 4 against Officer B are Not Sustained.

COPA recommends a finding that **allegation #1**, that **Officer A** refused to photograph Subject 1’s genitals after Subject 1 informed the officer that he had been injured in that area, be **Unfounded**.

COPA recommends a finding that **allegation #2**, that **Officer A** told Subject 1 “I’m not taking a picture of your dick,” be **Unfounded**.

It is unlikely that a CPD Evidence Technician (ET) would refuse to take photos if he was instructed to do so, or that he would tell Subject 1 “I’m not taking a picture of your dick.” ETs must take photographs of subjects that could be deemed unpleasant by the general public. This includes photos of nude subjects. Based on information provided by Sergeant A, it is likely that

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Officer A was not specifically told what to photograph and he instead photographed Subject 1's face. Therefore, allegations 1 – 2 against Officer A are Unfounded.

Approved:

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Deputy Chief Administrator, COPA

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**FINDINGS:**

**Accused 1:**           **Officer B**

**Allegation 1-2:**       **Unfounded**

**Allegation 3-4:**       **Not Sustained**

**Accused 1:**           **Officer A**

**Allegation 1-2:**       **Unfounded**